

1
2
3
4
5 UNITED STATES DISTRICT COURT
6 EASTERN DISTRICT OF WASHINGTON

7 ROBERT SILVIO AGLI,

8 Plaintiff,

9 v.

10 FRANKLIN COUNTY
11 CORRECTIONS,

12 Defendant.

NO. 4:19-CV-5237-TOR
ORDER OF DISMISSAL WITHOUT
PREJUDICE

13 BEFORE THE COURT is the Court's Order to Comply with Filing Fee
14 Requirements. ECF No. 5. The Court has reviewed the record and files herein,
15 and is fully informed. For the reasons discussed below, this action is dismissed
16 without prejudice.

17 On September 30, 2019, Plaintiff filed a *pro se* civil rights complaint
18 pursuant to 42 U.S.C. § 1983, along with an insufficient application to proceed *in*
19 *forma pauperis*. Plaintiff was advised of the deficiencies concerning his
20 application including that he must keep the Court advised on any change of

1 address. ECF No. 3. On October 7, 2019, he submitted an Acknowledgment and
2 Authorization regarding his obligation to pay the filing fee, ECF No. 4.

3 Plaintiff, then a prisoner at the Franklin County Jail, however, did not
4 comply with 28 U.S.C. § 1915(a)(2), which requires a prisoner seeking to bring a
5 civil action without prepayment of the filing fee to submit a certified copy of his
6 trust fund account statement (or institutional equivalent) for the **six months**
7 immediately preceding the filing of the complaint. ECF No. 5. Plaintiff was
8 advised that before the Court may proceed with Plaintiff's civil action, he must
9 either pay the applicable filing fee of \$400.00 (\$350.00 filing fee, plus \$50.00
10 administrative fee) or comply with the *in forma pauperis* statute. *Id.* Plaintiff was
11 advised that failure to do either within 21 days would result in the dismissal of this
12 case. *Id.* ECF No. 5 was returned to the Court as undeliverable, Plaintiff was no
13 longer in custody and he has not provided the Court with any change of address.
14 ECF No. 7. No filing fee or *in forma pauperis* application has been filed.

15 Parties filing actions in the United States District Court are required to pay
16 filing fees. 28 U.S.C. § 1914(a). An action may proceed without the immediate
17 payment of a filing fee only upon granting of *in forma pauperis* status. *See* 28
18 U.S.C. § 1915. Failure to pay the statutory filing fee will result in dismissal of
19 these actions without prejudice. *See Olivares v. Marshall*, 59 F.3d 109, 112 (9th
20 Cir. 1995) (district court has authority to dismiss without prejudice prisoner

1 complaint for failure to pay partial filing fee); *In re Perrotton*, 958 F.2d 889, 890
2 (9th Cir. 1992) (affirming dismissal of appeal of pro se litigant for failure to pay
3 required filing fees).

4 **ACCORDINGLY, IT IS HEREBY ORDERED:**

5 This action is DISMISSED without prejudice for failing to pay the filing fee
6 or filing a properly completed Application to Proceed In Forma Pauperis pursuant
7 to 28 U.S.C. §§ 1914(a) and 1915(a).

8 The District Court Executive is directed to enter this Order, enter judgment
9 accordingly, furnish a copy to Plaintiff, and **CLOSE** the file.

10 **DATED** January 15, 2020.



11 A handwritten signature in blue ink that reads "Thomas O. Rice".
12 THOMAS O. RICE
13 Chief United States District Judge
14
15
16
17
18
19
20